

7th GROUND.

CHARLES PHILLIPS, JR., Sworn for the State. On or about March 6th, 1914, I called at the tower for an interview with Leo M. Frank, and questioned him about the affidavit of Mrs. Ethel Harris Miller. He discussed the matter at length and in the course of his conversation said that sometime after the trial a friend of his told him that Mrs. Miller, formerly Miss Harris, saw him on the corner of Whitehall and Alabama Streets, on the 26th of April. "The moment it was mentioned to me," said Frank, "the whole occurrence flashed over my mind and I remembered that she bowed to me and that I tipped my hat. Although I had naturally racked my memory for every happening on that day I had not remembered seeing Mrs. Miller until the matter was mentioned to me after the trial. When the matter was mentioned to me, however, I then remembered how she was dressed and described her costume to my friend who said: 'That's right, she was wearing clothes of that kind.'"

8TH GROUND

MRS. CARRIE SMITH, Sworn for the State. On Monday night, April 20, 1914, at about 10:00 o'clock I was standing at a weiner (sic) stand immediately in the rear of the Metropolitan Club building near the corner of South Forsyth and West Mitchell Streets. A man who had introduced himself to me, who had been passing under the name of Maddox and who represented himself to be a book agent and said he was at work getting up a book, came riding by in an automobile which stopped in front of the entrance of the Metropolitan Club. In this automobile there were one or two other men. I cannot remember exactly, but I think there were two other men; at any rate, some of them got out of the automobile and went into the entrance of the Metropolitan Club and this man Maddox came up to where I was. He bought him a weiner (sic). This is the man who said to me that he was an agent and was getting up a book on the Frank case and that his commission on the book would be \$40.00 and he told me if I would sign a certain paper which he brought to me, he would give me one half of his commission. I

refused to sign the paper. I formerly worked off and on three years for the National Pencil Company and knew Leo M. Frank well. I was well acquainted with his general character and reputation and I state that his character and reputation are and were prior to the murder of Mary Phagan, bad. I have read over my evidence as given on the trial of Leo M. Frank and say that the same is true. I was present when twelve or fifteen girls were in the office of Solicitor General Hugh M. Dorsey in Kiser Building, the day we were sworn in the case against Leo M. Frank. This was the first and only time that the Solicitor General ever talked to me. He stated that the law only allowed certain questions to be asked and that there were certain answers, one way or the other, to be given. He put the questions, viz, first "Are you acquainted with the general character and reputation of Leo M. Frank?" If there were any present who did not answer that "yes" it was only one or two, as certainly most every one present said they were. He then put the question, "Is that character good or bad?" and the girls answered, including myself, that Frank's character was bad. Some time after the trial of the case I was requested by Miss Marie Karst to meet her for the purpose of going to a show on the 7th floor of the Grant Building. I went up there and there found this same fellow Maddox who undertood (sic) to pay me \$20.00 to sign his affidavit. Miss Marie Karst was not present and I did not get to see her. There was another man with Marie who undertood (sic) to talk to me also about the case. After telling the Solicitor General on this April 20, 1914, about how I was gotten up into the Grand Building, I went to the same place in order to see whose office it was. I find that the office they had me go ti (sic), in which this man Maddox was seen by me, was the office of Rosser, Brandon, Slaton & Phillips, and the private office into which I went and where I saw this man Maddox was the office which has on the door thereof the name: "Mr. Slaton".

JOHN R. BLACK, Sworn for the State. About 7 o'clock, on April 24, 1914, I was standing at the corner of S. Pryor and Mitchell Sts. With C.A. Isom, when Miss Carrie Smith came out of the Southern Bell Telephone Exchange and came across Pryor St. and Mr. Isom pointed her

out to me as being the same lady he had seen on April 20, 1914, at the weiner stand in the rear of the Metropolitan Club on Forsyth St. about 10;00 o'clock P.M., and I saw her stop and talk with N.A. Garner on this April 24, 1914 there on Mitchell St. about 7 o'clock, and Mr. Ison told me that she had on the same dress that she had on the night he saw her at the weiner stand.

MRS. MAGGIE NASH (formerly Griffin), Sworn for the State. I have read over my evidence as given on the stand on the trial of the case of the State vs. Leo M. Frank. The same is true and absolutely correct. I am acquainted with the general character and reputation of Leo M. Frank. It is bad. I am also acquainted with the general character and reputation of Leo M. Frank as to lasciviousness, that is his relations with women. That character is bad. It is true that during working hours, as stated in my evidence given on the stand, I saw Leo M. Frank go into the lady's dressing room with a woman who worked on that floor. I saw him go in there three or four times, sometimes in the evening and sometimes in the morning. He would stay in there as long as from 15 to 30 minutes. So far as I know there was nobody else in that room with Frank and this woman at the time. I don't know, of course, what Frank and this woman were doing in there, but I do know that they were in that room which was supposed to be used only by the girls as a dress room, and I don't know of any business that could have been carried on in that room by Frank and this woman that was right and proper or connected with the National Pencil Company's business. The key to this room was carried by the woman I saw go into this with Leo M. Frank. It was her uniform practice, as soon as the girls were dressed for work and went to work, to lock this room and put the key in her pocket. I don't know whether Frank, when he and this woman were in that room together, whether the door was locked or bolted. I never did try to go in there when they were in there, and so far as I know no one else tried to go in on them. I have read myself grounds 8 and 9 of the extraordinary motion as filed on behalf of Leo M. Frank in the Clerk's office of the Superior Court on the 16th day of April 1913. The original paper is before me at the time I sign this

affidavit. The statements contained in ground 8 are absolutely false in every particular. I have not made any affidavit to anyone with reference to my evidence as given on the stand. I have not made any statement to any person contrary to what I swore on the stand the evidence I gave on the stand is the truth in every particular, and I here and now re-affirm and re-assert the evidence as given on the stand and I now say that Leo M. Frank is a man of general bad character and reputation, both generally and in reference to his relations with women. I merely knew Dewey Hewell. I never talked with her in my life except the day she was up in the office of the Solicitor General, Hugh M. Dorsey, and she then and there voluntarily told me what she was going to swear on the stand. She told me she was going to swear exactly what she did swear. I did not approach her or suggest anything at all to her with reference to the evidence that she swore. Dewey Hewell told me she had seen Frank talking to Mary Phagan and had heard Frank call her "Mary". Dewey Hewell also told me that she saw Frank one time on the 4th floor of the National Pencil Company's place of business, with his arms around a woman, off in a dark place near the stairway. She said she didn't know who this woman was, but she got a good look at Frank and knew that he was the man. I didn't pay much attention to what the girl had to say. I talked to Solicitor General Hugh M. Dorsey in the presence of Mr. Bass Rosser, City detective. The day I went on the stand, Mr. Dorsey came into the room in his office where all of the girls were assembled, including Miss Nellie Wood. Mr. Dorsey stated that the time had now come when the State would introduce evidence with reference to Leo M. Frank's general character. He said he had been over and had talked to each of us separately, about the evidence we were going to give, and now he wanted to talk to us together, and see if everybody understood exactly what questions would be asked. Mr. Dorsey told us he only wanted the truth and nothing but the truth. He also said that if we were not going to swear as we had told him we would swear that he wanted us to say so then and there in order that he might be saved and time and trouble of putting the witnesses on the stand. He then said, I will now ask tthe (sic) question and I will take each of you one at a time,

I want you to pay strict attention and give the answer that is truth and that you expect to give on the stand. He then said "Are you acquainted with the general character and reputation of Leo M. Frank" and put that question to each one of the girls who were present. Among others was Miss Nellie Wood, and she stated yes, and he then went to each one of the others with this question and all of them answered yes. Mr. Dorsey then said "is that character good or bad" and went first for the answer to that question to Miss Wood and she said it was bad. Each and all of the girls present in that room stated that the character of Leo M. Frank was bad. At no time did the Solicitor General ever tell the witnesses to answer off sharp and quick. He did say that the answer was first yes or no, as to whether Leo M. Frank's general character was bad, and he did tell us that it was not what we knew personally about Frank, but what was generally said of him by other people. Some of the girls were frightened at the idea of going into the court room. We were assured by Solicitor Dorsey that there need be no fear, and that it would not probably take very long. Dewey Hewell was not present when all these other girls were being talked to by the Solicitor General at his office in the Kiser Building. The conversation I had with Dewey Hewell occurred after the Solicitor General had a talk with the other girls and left. It is absolutely false in every particular that I coached Dewey Hewell, or that I said "we will go over it again so won't forget it." I have heard people say that Frank was a man of bad character. This was the general talk among the girls in the factory. I heard the employees in the factory talk frequently about Frank being attentive to the women working the factory, whose reputation were bad, and I have seen myself Frank spend a great deal of his time with this woman whose reputation was bad. I don't know myself that anything wrong every (sic) occurred between them, but I do know that he devoted a great deal of his time talking to her than was necessary and that it was generally understood among the girls in the factory that Frank's didn't have the best reputation and this his character was bad. I found in the office of the Solicitor General, Hugh M. Dorsey, on this Monday, April 20, 1914, a young lady. I looked at her and thought I recognized her face, though I could not

call her name. I was afterwards informed that this was Miss Ruth Robinson and I knew that I never talked to Miss Ruth Robinson a moment in my life, either at the office of the Solicitor General or anywhere else on earth. And if Dewey Hewell ever talked together, I don't know anything about it and if Ruth Robinson heard what Dewey Hewell said to me I don't know anything about it, but everything that was ever said to me by Dewey Hewell or by Dewey Hewell to me was said in the room where there were other people who could have heard it if they had wished to. Sometime recently two men one of whom was W.W. Rogers, and the other being, as I have been informed, the detective W.J. Burns, came to see me with reference to my evidence. Rogers and Burns tried to talk to me about my evidence. I told them emphatically that if they were to come to me in a hundred years from now that I would still be the same and say the same, because it was the truth. I was very enthusiastic in letting this man Burns, know that I didn't intend to waste any time going over with them evidence which I had given and which was the truth. This was the only enthusiasm I ever remember to have shown in connection with this case. These men disputed in the little time they talked to me, my word and said they supposed Miss Grace Hicks knews (sic) where Mary Phagan worked. Rogers then said "come on lets go we can't get anything from her" and I said "I am tired of your company and wish you would go on for I don't like to be called a story. Among other things, one of these men representing themselves to be Burns detectives, asked me if there was anybody else besides myself that I knew who had seen Frank go into the dressing room with women. I stated that my recollection was that Miss Myrtic Cato saw this occur. They then asked me where Miss Cato worked and I told them she worked at E.H. Cone's drugstore and I added, "you go there to see her and you will get the same dose you got here."

N. A. GARNER, Sworn for the State. About 7;00 o'clock p.m. on April 24, 1914, I was standing at the corner of Mitchell and South Pryor Sts. when Miss Carrie Smith came across the street from the Southern Bell Telephone Exchange, and she stopped and talked with me a few minutes, this being the same Miss Carrie Smith who testified at the

original trial of the above case, but who was at that time or sometime since has married a man named Benton.

C. A. ISOM, Sworn for the State. On Monday, April 20, 1914, about 10 o'clock, P.M. I could not say whether it was twenty or thirty minutes before or after, but about that time. I know that it was previous to 11 o'clock because we had to be at 33 Forsyth Street before 11 o'clock and we got there with the automobile before 11 o'clock (sic). On the date and at the time stated I was sitting in this automobile referred to in front of the Metropolitan Club, on South Forsyth Street. In this automobile was Jimmie Wrenn. Jimmie has been working for Burke, who is employed in the office of L.Z. Rosser on the Frank case, for the last several months. Fred Linn, who has been running the automobile of C.W. Burke, was also in the automobile. We were going North on South Forsyth St. and we passed the entrance of the Metropolitan Club which was on the West side of South Forsyth Street at the corner of West Mitchell. We passed beyond a weiner stand next to the Metropolitan Club. As we passed it, I first noticed a girl, my attention being attracted to her by Linn saying to Jimmie Wrenn, "yonder she is Jimmie". She had on a light blue dress, blue hat. After the automobile stopped Linn gave Wrenn a nickle and Wrenn went up to the weiner stand. He was the only man who went up to the weiner stand, and the girl described was the only girl present. I did not see them speak, because Linn suggested that we stand in the stairway as a city policeman was coming up just then. We were in the staircase entrance about a minute when Jimmie Wrenn came up eating a weiner. I pointed this girl out to detective Black on Friday, April 24, 1914. She came out of the southern bell telephone exchange, and I saw her talk a few minutes with Mr. N.A. Garner.

RUTH ROBERTSON, Sworn for the State. I worked at the National Pencil Company for three years and was working there during the year 1912, up until the middle of April, 1913, just a few weeks before Mary Phagan was killed. I have known Mary Phagan ever since she has been a very little girl, having known her in Cobb County, where we both lived. Mary was a beautiful girl. I knew Leo M. Frank. I have had read to me

the evidence that I gave on the trial of the case of the State vs. Leo M. Frank. Every word of it is absolutely true. I did see Frank at Mary's machine, talking to Mary and I heard Frank call her "Mary". I heard it many times. Frank was at Mary's machine a great deal more than there was any need for him to be there. Mary had worked at the Pencil Company a good long time and understood her business, and did not have any need for anybody to be there at her machine showing her anything and the time Frank spent at Mary's machine was not because Mary needed anybody to show her how to operate the same or how to do her work. I have seen Frank go to Mary's machine three and four times a day. Sometimes he would remain as long as fifteen or twenty minutes. Frank did not very often pay any attention to the work being done by the other girls on that floor, other than Mary, I have seen Frank, in showing Mary about her work, take hold of her hands and hold them. For a while I did the same work exactly that Mary did. It was simple and easy as it could be. Frank's visits to Mary and talks with her and assistance given her became more frequent and more constant during the time that I noticed them which was from about some time during the summer or fall of 1912, and continued until the time I left there. I have foregotten (sic) the exact date, but the very last day that I worked at the National Pencil Company's place of business I saw Frank talking to Mary. I heard him call her Mary. I have read ground #9 of the extraordinary motion for new trial of Leo M. Frank, as filed in the clerk's office on the 16th day of April 1914. I have just this minutes been introduced to a lady who goes by the name of Mrs. Maggie Nash and who says that she was Miss Maggie Griffin. Miss Maggie Griffin when she came into the room stated that she did not know my name. She thought after looking at me she had probably seen me but she was not positive about that. She denied in my presence that she had ever coached me or talked to me about the Frank case or my evidence on the Frank case. I can positively state that I do not remember ever having seen Miss Griffin and I did not know her name, and certain it is that she never talked to me in her life or undertook to coach me about what I should say. It is not true that Maggie Griffin and Dewey Hewell left the large room referred to in Frank's motion two or three

times together and returned together, and it is not true that I heard Dewey Hewell say repeatedly that she was afraid she would forget all Maggie had told her to say when she went into the courthouse, and it is not true that I heard Miss Griffin or any body else say that she did not know where Mary Phagan worked and that she did not know her name. It is not true that Dewey Hewell said that she was rehearsed in her part by Maggie Griffin in any room, anywhere at any time. On the other hand I never heard Dewey Hewell say anything about Frank one way or the other at any time. It is true that I was taken by Bass Rosser to the office of Solicitor General Hugh M. Dorsey on the very day that I testified in the case. I never saw or talked to Solicitor General Dorsey about this case until that day I went on the stand. I never talked with Detective Bass Rosser about this matter until the day I went on the stand. I did talk to a great many people immediately after Mary Phagan was murdered about what I knew about Frank's knowing Mary Phagan, and among others I talked to my father, who lives in Cobb County, about it and I told him exactly what I told on the stand. I have never made any affidavit for anybody till this time and I have never stated to anybody the things that are set out in this extraordinary motion in paragraph 9. It is absolutely false that the solicitor told me that I knew something against the character of Leo M. Frank. The solicitor asked me questions about what I knew about Frank's character. I stated to the solicitor general that I was acquainted with the general character and reputation of Leo M. Frank and that that character was bad. The solicitor stated that they had enough evidence with reference to Frank's general bad character and that he would not ask me those questions, but that he would only ask me questions with reference to Frank's knowing and being acquainted with Mary Phagan. If the solicitor or counsel for Frank had seen fit to ask me about Frank's general character on the stand, I would have told them as I state in this affidavit that his character was bad. It is absolutely false that the solicitor insulted me. The solicitor general never suggested or intimated in any way that I had had sexual intercourse with the defendant in his office or any other place in his factory, or that he knew the location of any room or that he knew of

other girls having been in the room with him. The solicitor general merely asked me about what I had heard other people say about Leo M. Frank's general character and I never even told him until today, April 20, 1914 about any conduct on the part of Frank toward me in his office. I have today, however, told the solicitor general about what I considered an improper proposal on the part of Leo M. Frank to me. In other words, the said Leo M. Frank undertook to give me seven dollars when he knew I was not entitled to the said money and he endeavored to arrange a meeting with me sometime the next week. This occurred in his office in the presence of other people and I fully understood what Frank meant. I do not know who the people were in Frank's office at that time, but he had there three girls. I never had a private conversation with the solicitor general in my life. There were always other people present. He never used any insulting language to me and it is absolutely untrue as stated in the motion for a new trial that he said anything that was improper. It is absolutely untrue that I was ever in any room with twelve or fifteen other women, all witnesses in the Frank case, at the same time Mr. Dorsey was there. The only time I was in any room with 12 or 15 witnesses in the Frank case was in the courthouse across the street from Mr. Dorsey's office in the Kiser Building and while Mr. Dorsey was in the trial of the case in the court room. I know Carrie Smith, but I never talked to her in Mr. Dorsey's office or elsewhere. The day I was sworn was the only time I saw Mr. Dorsey. I know Myrtle Cato, but I was not in any room with her. It is absolutely false that the solicitor general told me to answer questions right off sharp. All the allegations with reference to what Maggie Griffin did or said in the room with twelve of [sic] fifteen other girls, as stated in Frank's extraordinary motion for a new trial are absolutely false, so far as they refer to me.

W. T. ROBERTSON, Sworn for the State. I dropped in of my own accord to the office of Hugh M. Dorsey, solicitor General, while he was talking to my daughter, Miss Ruth Robertson about the evidence which she gave in the Frank trial. I was present at the dictation of her affidavit. Directly after the murder, knowing that my daughter had been working at the pencil

company's place of business, I talked to her about the same and she then told me exactly what she said on the stand, namely that Leo M. Frank knew Mary Phagan, that he called her "Mary" and that he spent a good deal [of] time more than was necessary at Mary's machine talking to her. She also told me that this man Leo M. Frank, was a man of general bad character, though she did not tell me of the incident with reference to Frank's trying to give her seven dollars and arrange for her to see him the next week, until she told it today in the office of the solicitor general, as set out in her affidavit which she signed and which I have seen. I did not know that she would be a witness in the case, and I did not know that she had been a witness in the case until I saw it in the paper.

RUTH ROBERTSON, Sworn for the State. I made no affidavit in connection with this case, except the affidavits that I made in Mr. Dorsey's office. I have made no affidavit such as the one which is set out in the extraordinary motion for new trial, in which it is represented that I have made a great many statements. I have had exhibited to me by detective Bass Rosser, what purports to have been an original affidavit and I have carefully examined the signature, and I swear positively that same is not my signature thereto and that same is a forgery. [sic]

S. L. ROSSER, Sworn for the State. I am a city detective. At the direction of Solicitor General Dorsey, I procured from Hon. Stiles Hopkins, one of Mr. Frank's attorneys, the original affidavit offered by Mr. Frank upon a hearing of the extraordinary motion for a new trial of Miss Ruth Robertson. I immediately carried same to Miss Robertson and exhibited same to her and she carefully examined the signature to same, and said affidavit is the one referred to in the above affidavit of Miss Robertson, which I have read.